

Notice of Allowability

Application No.

10/021,236

Examiner

James R. Brittain

Applicant(s)

BARCLAY ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's communication of December 7, 2006.
2. ☒ The allowed claim(s) is/are 60-65, 67-69 and 134; renumbered 1-10, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

The following is an examiner's statement of reasons for allowance: Herrington (US 5088971) is the closest art of record and each teaches providing a web of material to define bags including first 16 and 17 interlocking members attached to the web, and cutting the fastener with a hot knife 45 that in conjunction with the clamps 40, 41 create end stops in a unitary mass from the resulting molten material to provide a lead proof seal at the ends of the zipper. In regard to claim 60, the differences are that there are no steps comprising utilizing two rotatable drums, holding two webs of materials each with a two-part interlocking fastener relative to the surface of each respective drum and fusing both parts of each respective two-part fastener with a laser beam wherein the two laser beams are derived from a single laser. While Kendall (WO 98/16430) teaches a method of making bags wherein a laser is used in conjunction with a single rotating drum so as to avoid the disadvantage of mechanical contact, which can result in sharpening, cleaning and maintenance of the equipment through the mechanical contact (page 1, lines 6-17; page 4, ¶2; page 8, lines 5-11), there is no suggestion from the art of record of the combined process including utilizing a second drum, holding the second web with its accompanying two-part fastener against the second drum and fusing both parts of the two-part fastener of the second web with a second laser beam, wherein "said first laser beam of said first drum and said second laser beam of said second drum being derived from a single laser". Similarly, with respect to claim 134, Herrington (US 5088971) is the closest art of record, but lacks steps comprising utilizing two drums, holding two webs of materials each with a two-part fastener relative to the surface of each respective drum and fusing both parts of each respective two-part fastener with a laser beam wherein the two laser beams are derived from a single laser. While Kendall (WO 98/16430) teaches a method of making bags wherein a laser is used in

Art Unit: 3677

conjunction with a single rotating drum so as to avoid the disadvantage of mechanical contact, which can result in sharpening, cleaning and maintenance of the equipment through the mechanical contact (page 1, lines 6-17; page 4, ¶2; page 8, lines 5-11), there is no suggestion from the art of record of the combined process including utilizing a second drum, holding the second web with its accompanying two-part fastener against the second drum and fusing both parts of the two-part fastener of the second web with a second laser beam, wherein "said second laser beam for said second drum and said first laser beam of said first drum being derived from a single laser".

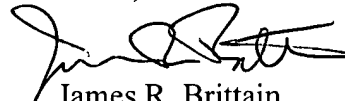
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB